

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JUNE 20, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: VAR-20635 - APPLICANT/OWNER: PAMOJA, LLC**

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**\*\* CONDITIONS \*\***

The Planning Commission (3-2/ld, ds vote) recommends DENIAL. Staff recommends APPROVAL subject to:

**Planning and Development**

1. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Variance to allow three parking spaces where nine parking spaces are required for a proposed 1,465 square foot commercial building on 0.12 acres at 141 North Bruce Street. There is no hardship associated with this site; therefore, staff recommends denial.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
03/06/86	The City Council adopted by Ordinance #3218 the Redevelopment Plan for the Downtown Las Vegas Redevelopment Area at 141 North Bruce Street.
05/24/07	<a href="#">The Planning Commission recommended denial of companion items ZON-20636, VAR-21635 and SDR-20634 concurrently with this application.</a>  <a href="#">The Planning Commission voted 3-2/ld, ds to recommend DENIAL (PC Agenda Item #47/jm).</a>
<i>Pre-Application Meeting</i>	
02/12/07	A pre-application meeting was held with the applicant. The applicant was informed that their proposal would require a Rezoning to C-1 (Limited Commercial) and their lack of parking demonstrated in their site plan would require a Variance of Title 19.10 Parking Standards. In addition, the front yard is completely paved requiring the applicant to ask for a waiver of Title 19.12 Landscape Standards.
04/23/07	A meeting was held on 04/23/07 with traffic. The applicant was asked to reconfigure their parking plan so that parking did not back onto Bruce Street. The applicant was also informed that a utility (sewer) easement is located in the rear yard that prohibits the planting of trees. In addition, the utility company requires access to the rear which deletes landscaping on the south side of the property.

Field Check	Description
04/3/07	The front yard is paved as well as the backyard. There is a distinct slope from the front yard to the street on Bruce.

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<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	0.12

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Single Family Residential	MXU (Mixed-Use)	R-1 (Single Family Residential)
North	Office	MXU (Mixed-Use)	C-1 (Limited Commercial)
South	Office	MXU (Mixed-Use)	C-1 (Limited Commercial)
East	Elementary School	PF (Public Facilities)	C-V (Civic)
West	Single Family Residential	MXU (Mixed-Use)	R-1 (Single Family Residential)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>			
Redevelopment Plan Area	X		Y
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>		X	N/A
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.08, the following development standards apply:*

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Lot Width	100 Feet	60 Feet	N*
Min. Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Corner</li> <li>• Rear</li> </ul>	20 Feet 10 Feet 15 Feet 20 Feet	29 Feet 10.6 Feet N/A 25 Feet	Y
Max. Lot Coverage	50%	28%	Y
Max. Building Height	N/A	16 Feet	Y
Trash Enclosure	Yes	Street Curb	Y
Mech. Equipment	Screened	Not shown	Y

*\*Applicant requests a Variance (VAR-21635) for Lot Width in C-1 (Limited Commercial).*

*Pursuant to Title 19.12, the following landscape standards apply:*

<b><i>Landscaping and Open Space Standards</i></b>				
<b>Standards</b>	<b>Required</b>		<b>Provided</b>	<b>Compliance</b>
	<b>Ratio</b>	<b>Trees</b>		
Parking Area	1 Tree/6 Spaces	Zero Trees	Zero Trees	Y
Buffer:				
Min. Trees (adjacent to Residential)	1 Tree/ 20 Linear Feet	3 Trees	Zero Trees	N*
Min. Trees (adjacent to Commercial)	1 Tree/ 30 Linear Feet	6 Trees	3 Trees	N*
Min. Trees (adjacent to R.O.W.)	1 Tree/ 20 Linear Feet	3 Trees	Zero Trees	
<b>TOTAL</b>		12 Trees	3 Trees#	N*
Min. Zone Width (Right-of-Way)	15 Feet		Zero Feet	N*
Min. Zone Width (Interior)	8 Feet		Zero Feet	N*
Wall Height	8 Feet		Existing	N/A

*\*Applicant requests Waiver to Title 19.12 Landscape Requirements  
#13 additional trees are placed throughout the site.*

***Pursuant to Title 19.10, the following parking standards apply:***

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required Parking Ratio	Required		Provided		Compliance
			Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
General Retail Store	1465 SF	1/175	8	1	2	1	N*
TOTAL			9		3		N*
Percent Deviation			66%				

The applicant has requested a parking Variance (VAR-20635).

<b><i>Waivers</i></b>		
<b><i>Request</i></b>	<b><i>Requirement</i></b>	<b><i>Staff Recommendation</i></b>
Zero Parking Lot Landscape Fingers	1 per 6 parking spaces	Denial
Waivers of perimeter landscape buffer requirements to allow a zero foot buffer along a portion of the east property line where 15 feet is required.	15 Feet	Denial
Waivers of perimeter landscape buffer requirements to allow a zero foot wide buffer along a portion of the south and west property lines where eight feet is the minimum required.	8 Feet	Approval, sewer easement prohibits planting of trees.
Waivers of perimeter landscape buffer requirements to allow a three foot wide buffer along a portion of the north property lines where eight feet is the minimum required.	8 Feet	Denial

## ANALYSIS

The applicant has requested a Variance to allow three parking spaces on this site where nine are required. Because there is no hardship associated with this site, and because staff finds that this proposed development is too intense for the subject property, staff is recommending denial of this parking variance.

In addition, this will require a Variance (VAR-21635) to allow a 60 foot lot width where 100 feet is the lot width required for C-1 (Limited Commercial) zone.

## **FINDINGS**

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship. An alternative design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

## **NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 14

**SENATE DISTRICT** 2

**NOTICES MAILED** 355 by City Clerk

**APPROVALS** 0

**PROTESTS** 0